

Mauritania

Universal Periodic Review

Report submitted to the United Nations Human Rights Council as part of the fourth periodic review for Mauritania

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1. Introduction

In this submission, MENA Rights Group and the Orphans of Mauritania Alliance shed light on the main human rights concern in Mauritania as part of their Universal Period Review (UPR). The report is structured around three main themes : (1) the persisting restrictions against freedom of opinion and expression, especially through imprecise and excessive legal provisions to dissident ; (2) the absence of accountability for grave human rights violations committed during the “Passif humanitaire”, notably because of the 1993 amnesty law, which perpetuates a climate of impunity; and (3) the use of counterterrorist legislation that undermines fundamental safeguards and exposes individuals to arbitrary detention and ill-treatment.

2. Right to freedom of opinion and expression

During the last UPR, Mauritania accepted certain recommendations related to freedom of expression,¹ while noting others on freedom of conscience and religion.²

A certain number of legal provisions provide excessive limits in relation to speech content.³ This notably applies to the law criminalizing discrimination⁴, the cybercrime law,⁵ the counterterrorism law (see *infra*) and the freedom of the press law.

¹ Recommendations supported by Mauritania: 130.120 (New Zealand); 130.121 (Oman).

² Recommendations not supported by Mauritania: 130.124 (Holy See); 130.127 (Argentina).

³ Human Rights Committee, *Final Observations concerning Mauritania's second period review*, 19 July 2019, UN Doc. CCPR/C/MRT/CO/2, para 42.

⁴ The 2018 law on discrimination provides that “anyone who encourages incitement to hatred against the official doctrine of the Islamic Republic of Mauritania shall be punished with imprisonment for a term of one to five years”.

⁵ For example, Article 21 of Law No. 2016-007 on offenses against moral values and public decency provides for up to five years' imprisonment and a fine of 500,000 ouguiyas [approximately US\$1,160] for “anyone who intentionally creates, records, makes available, transmits, or disseminates through an information system a text

Following the adoption of Law No. 2011-054 amending Ordinance No. 2006-017 on freedom of the press, many press offenses have been decriminalised including slander and defamation against heads of state and ambassadors. However, the said Ordinance still contains provisions vaguely formulated, some of which carry prison sentences and which have still not been subject to legislative review.⁶

At the same time, despite the decriminalisation of the press offense, the Penal Code still criminalises activities related to the exercise of freedom of expression. This includes apostasy or blasphemy—Article 306 of the Criminal Code was amended in 2018 in order to make the death penalty mandatory for these two crimes,—or defamation.

During the reporting period, authorities passed several laws harmful for freedom of expression.

In the context of the Covid-19 pandemic, on 20 June 2020, the National Assembly approved a new law on the publication of “false information”,⁷ which includes a definition of “false news” imprecise and ambiguous. It also provides for prison sentences of up to one year for “disseminating misleading or false information via the internet” and up to four years’ imprisonment for disseminating false news likely to distort the outcome of an election during an election period.

In August 2020, the Special Rapporteur on freedom of opinion and expression considered that the law could allow the authorities to “restrict freedom of expression on the basis of vague criteria subject to arbitrary interpretation”.⁸

message, image, sound, or any other form of audio or visual representation that undermines the values of Islam.”

⁶ Article 21 of Ordinance No. 2006-017 still provides for the prohibition of foreign newspapers or periodicals “when they are likely to undermine Islam or the credibility of the State, harm the public interest, or compromise public order and security.” Article 33 punishes “with five years’ imprisonment and a fine of 5,000,000 UM those who, [...], have directly provoked crimes against the internal or external security of the State,” and Article 34 provides that “any provocation [...] directed at military personnel or law enforcement officers with the aim of diverting them from their duties and the obedience they owe to their superiors shall be punished by imprisonment for one to five years and a fine of 100,000 to 1,000,000 UM.”

⁷ See Official Gazette of the Islamic Republic of Mauritania n° 1467.

⁸ Special Rapporteur on freedom of opinion and expression, Communication n° OL MRT 4/2020, 19 June 2020.

On 9 November 2021, the National Assembly adopted a draft law highly controversial on the protection of national symbols and the criminalisation of attacks on the State's authority and the citizens' honour.⁹

Most of the law's provisions contradict international norms governing freedom of expression. As a matter of example, acts that undermine the enduring values and sacred principles of Islam, national unity, territorial integrity, or insult the President of the Republic, the flag, and the national anthem, particularly through social media, are punishable by two to four years' imprisonment. Equally concerning, the publication of content "undermining the morale of the armed forces and security forces or likely to destabilize their loyalty to the Republic" is punishable by one to three years' imprisonment.¹⁰

On 5 March 2022, the authorities prevented the rap group Diam Min Tekky from organizing a performance to launch their album "30 Years" which evokes the Inal massacre and, more generally, the impunity concerning the violations committed during the "*Passif humanitaire*" (see *infra*).¹¹

Finally, it is worth noting that the authorities once again cut mobile internet connections for 22 days in July 2024, amid protests against the announcement on 1 July of Mohamed Ould Cheikh El Ghazouani's victory in the first round of the presidential election.¹² Such measure has been taken following the previous

⁹ Before the vote, members of the opposition expressed their concerns about the bill, while the Union of Mauritanian Journalists called on the government to amend the draft. See Official Journal of the Islamic Republic of Mauritania No. 1499 of 15 December 2021, available here : <https://www.msgg.gov.mr/sites/default/files/2022-04/J.O.%201499F%20DU%2015.12.2021%20V%20A.pdf> (accessed 17 June 2025).

¹⁰ For more information, see MENA Rights Group, New law on the protection of national symbols: a threat to freedom of expression on social media in Mauritania, 2 December 2021, <https://menarights.org/en/articles/nouvelle-loi-sur-la-protection-des-symboles-nationaux-une-menace-pour-la-liberte> (consulted on 17 June 2025).

¹¹ Facebook account of Claudy Siar, Concert of Mauritanian rap group in Nouakchott Diam Min Tekky canceled, 11 March 2022, <https://www.facebook.com/watch/?v=4936506323109026> (accessed on 17 June 2025).

¹² Young Africa, *Mauritania : mobile internet cut off after presidential election protests*, 2 July 2024, <https://www.jeuneafrique.com/1583700/politique/mauritanie-linternet-mobile-coupe-apres-des-contestations-de-la-presidentielle/> (consulted on 17 June 2025) ; Access Now, *After 22 days of internet shutdown, the government of Mauritania must commit to #KeepItOn at all times*, 31 July 2024, <https://www.accessnow.org/press-release/mauritania-must-keepiton-at-all-times/> (accessed on 17 June 2025).

presidential election in 2019 and, in a different context, during the high school graduation exams in June 2023.¹³

Recommendations:

- Reform the penal Code and other legislation containing vaguely defined offenses in order to end the criminalisation of acts of peaceful expression in accordance with Article 19 of the ICCPR;
- Maintain internet access during election periods and final exam sessions.

3. Right to truth and fight against Impunity

Between the mid-1980s and early 1990s, during the period commonly referred to as the "Passif humanitaire", large segments of the Afro-Mauritanian population were subjected to summary executions, torture, expulsions to Senegal and Mali, land expropriations outside any legal framework, and discrimination.

Between October 1990 and mid-January 1991, the authorities arrested, outside any legal framework, approximately 3,000 Afro-Mauritanians, most of whom were soldiers. Following estimates, between 500 and 600 of them were victims of summary executions preceded by torture and secret detention. The repression culminated on the night of November 27-28, 1990, on the country's independence day, when 28 Afro-Mauritanian soldiers were hanged in the Inal garrison.

Those responsible for these violations include the highest levels of the military hierarchy, including several members of the Military Committee for National

¹³ Access now, *Tell MENA authorities: #NoExamShutdown*, 2023, <https://www.accessnow.org/campaign/no-exam-shutdown-2023/> (accessed on 18 June 2025).

Salvation (MCNS), who are alleged to have personally participated in torture and executions.¹⁴

Information about these abuses began to emerge in March 1991 when the first prisoners were released following the enactment of a presidential pardon.

In 1993, the authorities enacted Law No. 93-23, which grants amnesty to members of the security forces for any offenses they may have committed in the course of their duties between 1 January 1989 and 18 April 1992. The text specifies that “any complaint, report, or investigation document relating to this period and concerning a person who has benefited from this amnesty shall be closed without further action.”

Following the last UPR, Mauritania refused to implement a recommendation from Belgium calling on Mauritania to “take the necessary measures to repeal Law No. 93-23 (1993) on amnesty and establish an independent mechanism for justice and reconciliation with the power to investigate past crimes”.¹⁵

Several senior military officials involved in crimes committed during the “Passif humanitaire” remained in service after those events. Today, they hold positions of responsibility, such as Ely Zayed Ould M'Bareck, who was tipped to head MINUSCA's “Bangui Joint Task Force” before being recalled to Mauritania,¹⁶ or Mohamed Ould Meguett, who was elected president of the National Assembly on 19 June 2023.¹⁷

The UN Committee on Enforced Disappearances recently stated being “concerned about Act No. 93-23 of 14 June 1993, which grants amnesty to members of the security forces for offences committed during the period of unresolved

¹⁴ Mentioned in Human Rights Watch, *Mauritania's campaign of terror, State-sponsored repression of black Africans*, April 1994, <https://www.hrw.org/sites/default/files/reports/MAURITAN944.PDF> (consulted on 17 June 2025).

¹⁵ Recommendation not supported by Mauritania: 130.112 (Belgium).

¹⁶ RFI, “The appointment of a Mauritanian general to head the MINUSCA task force is controversial”, 25 September 2021, <https://www.rfi.fr/fr/afrique/20210924-la-nomination-d-un-g%C3%A9n%C3%A9ral-mauritanien-%C3%A0-la-t%C3%AAt%C3%A9-de-la-task-force-de-la-minusca-fait-pol%C3%A9m%C3%A9> (accessed on 17 June 2025).

¹⁷ RFI, “Mauritania: the new president of the National Assembly sparks controversy”, 20 June 2023, <https://www.rfi.fr/fr/afrique/20230620-mauritanie-le-nouveau-pr%C3%A9sident-de-l-assembl%C3%A9e-nationale-fait-pol%C3%A9m%C3%A9> (accessed on 17 June 2025).

humanitarian issues, in that it could apply to offences of enforced disappearance¹⁸ and “reports that persons suspected of having committed serious human rights violations, including enforced disappearances during the period of unresolved humanitarian issues, allegedly continue to perform public functions in the State party, which has the effect of maintaining a climate of impunity”.¹⁹

Recommendations:

- Repeal the 1993 Amnesty Law ;
- Establish an independent Truth and Reconciliation Commission tasked with establishing the facts by investigating all human rights violations committed during the “Passif humantaire”.

4. Human rights and counterterrorism

During the last UPR, only Chad made a recommendation to revise Article 3 of Law No. 2010-035 on combating terrorism to bring it fully into line with international standards.²⁰ We regret that this recommendation was simply noted.

As a matter of fact, this provision contains a particularly vague definition of terrorism, which includes, in particular, “perverting the fundamental values of society and destabilizing the constitutional, political, economic, or social structures and/or institutions of the Nation.”

Finally, while the Code of Criminal Procedure provides for a legal period of police custody of 48 hours, renewable once under authorisation of the prosecutor, persons accused of terrorism may be held in police custody for 45 days without being brought before a judge and without access to legal assistance. This type

¹⁸ Committee on Enforced Disappearances, *Concluding observations on the report submitted by Mauritania under Article 29 (para. 1) of the Convention*, 29 September 2023, UN Doc. CED/C/MRT/CO/1, para 23.

¹⁹ *Ibid.*, para. 31.

²⁰ Recommendations not supported by Mauritania: 130.91 (Chad).

of regime exposes accused persons to a high risk of torture or ill-treatment.²¹

Law No. 2015-033 on the fight against torture enshrines all fundamental safeguards from the moment deprivation of liberty occurs. However, the Committee on Enforced Disappearances regretted, during its initial review of Mauritania, that “provisions on police custody in the Code of Criminal Procedure and the laws on terrorism, corruption, and narcotics are applied as a matter of priority.”²²

Recommendations:

- Ensure that procedural safeguards provided for by the law against torture are applied without discrimination to all persons deprived of their freedom;
- Ensure the right to access counsel from the moment of arrest;
- Amend the 2010 Anti-Terrorist Act to ensure that it complies with the principles and safeguards provided for by international law.

²¹ Human Rights Committee, *Concluding observations of the Human Rights Committee on the second periodic report of Mauritania*, 19 July 2019, UN Doc. CCPR/C/MRT/CO/2, para. 32.

²² Committee on Enforced Disappearances, *Concluding observations on the report submitted by Mauritania under Article 29 (para. 1) of the Convention*, 29 September 2023, UN Doc. CED/C/MRT/CO/1, para. 43.

5. About the authors

The **Orphans of Mauritania Alliance** is a nonprofit NGO based in Cincinnati, Ohio (United States), founded for children of Mauritanian black soldiers executed in 1990 during an ethnic cleansing campaign. More than 600 men were arrested, tortured, killed without trial, then buried in mass graves through Mauritania. The organisations advocated for truth, justice, the repeal of the 93.23 amnesty law that have been protecting those responsible for these serious human rights violations for more than 34 years. It supports widows, orphans, and marginalized communities through legal advocacy, victim assistance, and education, health, and rehabilitation programs. The Alliance transforms pain into action to build a Mauritania based on justice, equality, and respect for human rights.

MENA Rights Group is an NGO for legal advocacy based in Geneva that works on the protection and promotion of universal human rights in the Middle East and North Africa region. We provide legal assistance to victims of human rights violations using international law mechanisms. In addition, we assess the human rights situation on the ground and bring issues to the attention of relevant stakeholders in order to advocate for legal and policy reforms. Our work follows legal ethics and principles of non-discrimination, independence, neutrality, and integrity.